

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 01-2422

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Larry Curtis Kerr,

Appellant,

v.

United States of America,

Appellee.

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Appeal from the United States  
District Court for the  
Eastern District of Missouri.  
[UNPUBLISHED]

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Submitted: June 10, 2002

Filed: June 26, 2002

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Before WOLLMAN, RICHARD S. ARNOLD, and LOKEN, Circuit Judges.

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PER CURIAM.

Larry Curtis Kerr appeals from the district court's<sup>1</sup> dismissal of his petition for relief under 28 U.S.C. § 2255. Kerr filed this petition more than one year after his conviction became final, and thus it is outside the limitations period found in § 2255(1). Kerr contends that Apprendi v. New Jersey, 530 U.S. 466 (2000), created a watershed rule of constitutional law that should be applied retroactively, thus allowing him to file within one year of the date of that decision pursuant to § 2255(3).

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<sup>1</sup>The Honorable Catherine D. Perry, United States District Judge for the Eastern District of Missouri.

In United States v. Moss, 252 F.3d 993, 997 (8th Cir. 2001), we held that Appendi should not be applied retroactively on collateral review. Kerr recognizes that Moss bars his claim, but contends that we should revisit Moss because it was wrongly decided. One panel of this court may not overrule another panel, and thus we are bound by Moss. Jarrett v. United States, 266 F.3d 789, 791 (8th Cir. 2001); United States v. Reynolds, 116 F.3d 328, 329 (8th Cir. 1997). Accordingly, the order of dismissal is affirmed.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.